

1 **LANE & NACH, P.C.**

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9 Attorney for Roger W. Brown, Trustee

10 **IN THE UNITED STATES BANKRUPTCY COURT**

11 **FOR THE DISTRICT OF ARIZONA**

12 In re:

(Chapter 7 Case)

13 JANETTA LAVONNE BERNDT,

No. 2:19-bk-13353-DPC

14 Debtor.

15 **TRUSTEE'S APPLICATION TO**
16 **EMPLOY ATTORNEY/DECLARATION**
17 **OF ATTORNEY**

18 Roger W. Brown, ("**Trustee**"), for his Application to Employ Attorney, respectfully
19 alleges as follows:

20 1. This case was commenced by voluntary petition filed by the Debtor on October 21,
21 2019.

22 2. Trustee is the duly qualified and acting trustee of the Chapter 7 Estate.

23 3. To perform the duties of a trustee, Trustee requires the services of an attorney for
24 the following purpose:

25 a. To advise and consult with Trustee concerning issues arising in the conduct
26 of the administration of the Estate and concerning Trustee's rights and remedies with regard to the
27 Estate's assets and the claims of secured, preferred and unsecured creditors and other parties in
28 interest.

1 b. To appear for, prosecute, defend and represent the Estate's interest in suits
2 arising in or related to this case.

3 c. To investigate and prosecute actions arising under the Trustee's avoiding
4 powers.
5

6 d. To assist in the preparation of such pleadings, motions, notices and orders as
7 are required for the orderly administration of this Estate; and to consult with and advise Trustee
8 in connection with the operation of or the termination of the operation of any business of the
9 Debtor.
10

11 4. For the foregoing reason and all other necessary and proper purposes, Trustee
12 desires to retain generally the law firm of Lane & Nach, P.C. (“**Attorney**”) as counsel for the
13 Trustee.
14

15 5. Because Attorney practices in bankruptcy corporate reorganization, trustee and
16 debtor/creditor matters, and because of its experience in those fields, Trustee asserts that Attorney
17 is well qualified to render the foregoing services.

18 6. Based upon the Declaration attached hereto, Trustee believes that Attorney does not
19 hold or represent any interest adverse to that of the Trustee, or the Estate and that Attorney is a
20 disinterested entity within the meaning of 11 U.S.C. §101(14).
21

22 7. Trustee is informed that the normal billing rates of Attorney at this time are as
23 follows:
24

25 Lawyers:	\$375 - \$275 per hour
26 Paralegals:	\$175 - \$ 50 per hour

27
28

8. It is contemplated that Attorney will seek compensation based upon its standard hourly billing rates. It is further contemplated that Attorney will seek interim compensation during the case as permitted by 11 U.S.C. §331.

WHEREFORE, Trustee prays as follows:

a. For authority to employ Attorney, as of the date of this Application as counsel for Trustee and the Estate, to render services in the areas described above with compensation to be paid as an administrative expense in such amounts as this Court may hereinafter determine; and,

b. For such other and further relief as this Court deems just and proper.

DATED: 12/2/2019.

/s/ Roger W. Brown, Trustee
Trustee

COPY of the foregoing delivered via electronic notification to:

David Allegrucci
ALLEGUCCI LAW OFFICE PLLC
307 North Miller Road
Buckeye, AZ 85326
Email: alopllc@aol.com
Attorney for Debtor

Office of U.S. Trustee
230 North First Avenue
Phoenix, AZ 85003
Email: Edward.K.Bernatavicius@usdoj.gov

By/s/ Sheila Rochin

DECLARATION OF MICHAEL P. LANE

I, Michael P. Lane, declare:

A. I am an attorney duly admitted to practice before all courts of the State of Arizona, as well as this Court and the Court of Appeals for the Ninth Circuit.

B. I am a member of Lane & Nach, P.C., the law firm that the Trustee is seeking to employ generally by the Application to which this Declaration is attached. I have practiced bankruptcy law in this District for approximately thirty years. All of the members and associates of this law firm are admitted to practice in this State and before this Court.

C. The attorneys employed by the law firm of Lane & Nach, P.C. have extensive experience in bankruptcy, insolvency, corporate reorganization and debtor/creditor law. The Firm is well qualified to represent the Trustee generally herein, and is willing to accept employment on the basis set forth in the annexed Application.

D. The law firm of Lane & Nach, P.C. and its associates do not hold any interest or connections to this Estate, adverse or otherwise, or with the Debtor, creditors, or any other party-in-interest, their respective attorneys and accountants, or any person employed in the Office of the United States Trustee; and, said law firm is a disinterested entity as defined in 11 U.S.C. §101(14).

E. Neither the undersigned nor the law firm have shared or agreed to share compensation in this case with anyone except as professional fees are normally divided among members of Lane & Nach, P.C.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: December 2, 2019.

/s/ Michael P. Lane 007435
Michael P. Lane